

REMARKS

I. Introduction

In response to the Office Action dated November 29, 2007, Applicants have amended claim 1 to further clarify the present invention. In addition, the limitations of claim 5 have been incorporated into claim 1. Claim 5 has been cancelled, without prejudice. Support for the amendment to claim 1 may be found, for example, on page 11, line 6 to page 13, line 14 of the specification. No new matter has been added.

With regard to claim 12, the Examiner stated, in section 1 on page 2 of the Office Action, that claim 12 recites a broad range of components followed by a series of narrow ranges, and as such, the prior art will be applied against the broadest ranges recited in claim 12. Applicants contacted the Examiner to clarify this statement, as there are no “ranges” recited in claim 12. In response, the Examiner informed us that this paragraph was made in error and that Applicants could disregard the statement. An Interview Summary was forwarded to the Applicants reflecting this decision.

For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art references.

II. The Rejection Of Claims 1 And 12-13 Under 35 U.S.C. § 102

Claims 1 and 12-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Durand et al. (U.S. 5,180,523). Applicants respectfully submit that Durand et al. fails to anticipate the pending claims for at least the following reasons.

With regard to the present invention, amended claim 1 recites, in-part, a conductive paste comprising: conductive particles and a binder, wherein the conductive particles include spherical primary particles and agglomerate formed of at least two of the primary particles agglomerated, and the average diameter of the agglomerate is obtained by measurement of the conductive particles using laser diffraction scattering system, and the average diameter of the spherical primary particles is obtained through image analysis of the conductive particles, the image is taken by SEM, CCD camera or optical microscope.

One feature of the present embodiment is that the conductive particles include spherical primary particles. In contrast to amended claim 1, Durand fails to disclose particles that have a spherical shape. As is disclosed in Durand, the agglomerates are comprised of irregularly shaped particles having multiple surface indentations and recesses to produce many rough-edged salients or ridges (see, Abstract of Durand). As such, it is clear that the particles of Durand are not spherical.

Furthermore, Durand is also silent with respect to the limitation of claim 1 wherein the average diameter of the agglomerate is obtained by measurement of the conductive particles using laser diffraction scattering system, and the average diameter of the primary particles is obtained through image analysis of the conductive particles, the image is taken by SEM, CCD camera or optical microscope. As such, Durand fails to disclose the limitations of claim 1 of the present invention.

Anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently in a prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), and Durand et al. does not disclose a conductive

paste comprising: conductive particles and a binder, wherein the conductive particles include spherical primary particles and agglomerate formed of at least two of the primary particles agglomerated, and the average diameter of the agglomerate is obtained by measurement of the conductive particles using laser diffraction scattering system, and the average diameter of the primary particles is obtained through image analysis of the conductive particles, the image is taken by SEM, CCD camera or optical microscope. Therefore, as it is apparent from the foregoing that Durand fails to anticipate amended claim 1 or any dependent claims thereon, Applicants respectfully request that the § 102 rejection be traversed.

III. The Rejection Of Claims 1, 5, 8-10 and 13-16 Under 35 U.S.C. § 103

Claims 1, 5, 8-10 and 13-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto et al. (USP No. 4,859,364). Applicants respectfully traverse this rejection of the pending claims for at least the following reasons.

As shown above, amended claim 1 of the present invention recites a conductive paste comprising conductive particles which include spherical primary particles and agglomerate of primary particles formed of at least two of the spherical primary particles agglomerated.

Yamamoto teaches an agglomerate comprised of particles coated with a conductive metal. It was alleged that the particle of Yamamoto is an agglomerate containing spherical particles because the particle coated with conductive metal comprises an agglomerate particle. However, amended claim 1 recites an agglomerate of primary particles formed of at least two of the spherical primary particles agglomerated. Thus, the agglomerates must be of the primary particles themselves, not a particle coated with a conductive metal. Thus, Yamamoto does not disclose the limitation of amended claim 1 of a conductive paste comprising conductive particles

comprising spherical primary particles and agglomerate of primary particles formed of at least two of the spherical primary particles agglomerated. Therefore, as it is clear that Yamamoto fails to teach or suggest all the claim limitations of the present invention, Yamamoto fails to render obvious, claim 1, or any claim dependent thereon. Accordingly, Applicants respectfully request that the § 103 rejection of claim 1 be withdrawn.

IV. All Dependent Claims Are Allowable Because The Independent Claim From Which They Depend Is Allowable

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all pending dependent claims are also in condition for allowance.

V. Conclusion

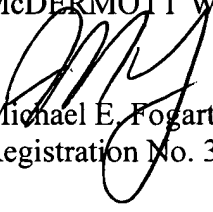
Having responded to all open issues set forth in the Office Action, it is respectfully submitted that all claims are in condition for allowance.

Application No.: 10/509,755

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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